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Naught

A C T S

PASSED AT THE

SECOND SESSION

OF THE

FIRST GENERAL ASSEMBLY

OF THE

STATE OF TENNESSEE,

BEGUN AND HELD AT KNOXVILLE, ON
SATURDAY THE THIRTIETH DAY OF JULY ONE
THOUSAND SEVEN HUNDRED AND NINETY-SIX.

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May 17, 1916

A C T S

OF THE

STATE OF TENNESSEE.

CHAPTER I.

*An ACT directing the mode of electing
one Representative to represent this State
in the Congress of the United States.*

Sect. 1. **B**E it enacted by the General Assembly
of the State of Tennessee; That an *Elections*
election shall be held at the re- *when*
spective court houses, in each county in this state, on *held,*
the first Thursday in October next and on the day
next succeeding, to elect one representative to repre-
sent this State in the Congress of the United States,
which election shall be conducted under the same
rules, regulations and restrictions as elections for
members of the general assembly.

Sec. 2. *Be it enacted,* That the person elected shall *Person e-*
have been a citizen, or resident of this state three years *lected.*
next immediately preceding the day of election:

Proviso. *Provided*, That this shall not be construed to extend to any person who was a citizen or resident of this State at the time of making the constitution thereof.

**Returns
how
made.**

Sec. 3. *Be it enacted*, That immediately after the close of the election in each county, the sheriff or other returning officer shall, in the presence of the inspectors of the election, make out two correct statements of the number of votes given to each candidate in his county, which two statements shall be certified by the said sheriff, or other returning officer, and a majority of the inspectors, one of the said statements, shall, by the inspectors, be filed in the office of the clerk of the county; and the sheriff, or other returning officer, by himself, or his deputy, shall attend with the other on the day, and at the place herein after mentioned.

**Returns
when
made.**

Sec. 4. *Be it enacted*, That the returning officers, for the several counties, in the district of Washington, by themselves, or their deputy, shall meet at Jonesborough, on the fourth day after the last day of the election, and in the presence of three justices of the peace, to be summoned for that purpose, proceed to examine and compare the several certified statements aforesaid; and shall make out and certify, under their hands and seals, a general statement of the number of votes given for each of the candidates in the several counties in the said district, which said general statement shall also be certified by the justices attending as aforesaid: And in like manner, the returning officers, for the several counties, in the district of Hamilton, shall meet at Knoxville, on the same day before appointed, and proceed to make out a general statement of the votes given for each of the candidates in the several counties, in the said district, in the same manner as is before directed for the returning officers of the district of Washington: And in like manner, the returning officers for the several counties, in the district of Mero, shall meet at Nashville on the same day before appointed, and shall proceed to make out a general statement of the votes given for each candidate in the several counties, in the said dis-

trict, in the manner before directed, for the district of Washington, which said general statements shall be produced at Knoxville, on the fifteenth day after the day of said election, by one of the returning officers attending with the same from each of the districts aforesaid. And in order to ascertain which of the said returning officers shall so attend, they are hereby required to determine the same by lot, or otherwise: And the said officers being so met, as aforesaid, shall, in the presence of three justices of the peace, to be summoned for that purpose, proceed to examine and compare all the votes given by the electors, in the several counties in this state, and shall certify to the governor which of the candidates shall have the greatest number of votes.

Sec. 5. *Be it enacted*, That if two or more candidates have the same number of votes, the said returning officers shall decide which of them shall be representative, in the same manner as grand jurors are by law drawn for. *Equal numbers how to be divided.*

Sec. 6. *Be it enacted*, That if any sheriff, coroner, or his deputy, shall fail to attend, and return a statement as aforesaid, of the election in his county, on the day and place as required by this act, he shall forfeit and pay the sum of five hundred dollars, one half to the use of the state, the other half to him who will sue for the same, to be recovered by action of debt in any court of record in this state, unless good and sufficient cause be shewn for such non-attendance. *Pen. on sheriffs for failure.*

Sec. 7. *Be it enacted*, That the person who shall be duly elected a representative under this act, shall produce the certificate of his election obtained, as by this act directed, to the governor of this state, who, on receiving the same, is hereby empowered and required to grant a commission, certifying his appointment as representative aforesaid. *Gov. to commission the person elected.*

Sec. 8. *Be it enacted*, That each of the sheriffs, or other returning officers attending, as by this act required, shall be allowed the sum of one dollar and seventy-five cents, for every thirty miles travelling to and from the place appointed for the said sheriffs or returning officers, to convene, and the same for each day he shall necessarily attend, comparing the returns *allowance to sheriffs*

of the said elections, which shall be ascertained on oath before the justices of the peace attending as in this act mentioned, and a certificate thereof signed by the said justices, shall be given to each sheriff or returning officer, respectively, to be paid out of the public treasury of this state, by either of the treasurers of the same.

Penalty. Sec. 9. *Be it enacted,* That if any person shall be found guilty of having committed any fraud in performing the duties enjoined by this act, he shall, on conviction thereof, forfeit and pay the sum of five hundred dollars; one-half thereof to the use of the state, the other half to him who will sue for the same; to be recovered with costs in any court of record in this state.

Act repealed. Sec. 10. *Be it enacted,* That an act, entitled, "An act directing the mode of electing representatives to represent this state in the Congress of the United States, passed at Knoxville, at an assembly begun and held on the twenty eighth day of March, in the year one thousand seven hundred and ninety six, is hereby repealed and made void." And that this act shall be in force from and after the passing thereof.

Passed the 3d day of August, 1796.

JAMES WINCHESTER,
Speaker of the Senate,

JAMES STUART, S. H. R.

An ACT for laying and collecting an additional county tax.

Sec. 1. **B**E it enacted by the General Assembly of the State of Tennessee. That Tax laid, an additional county tax, not ex-

ceeding twelve and an half cents, on every hundred acres of land; a tax, not exceeding twenty five cents, on each town lot; a tax, on each stud horse, not exceeding the sum demanded by the owner for the season of one mare; a tax, not exceeding twenty five cents, on each taxable black poll; a tax, not exceeding twelve and an half cents, on each free male citizen, in each county in this State, may be laid by the justices of the county courts respectively, for the year one thousand seven hundred and ninety seven, for the payment and discharging of county contingencies: And the said tax, when laid, shall be collected, paid, and accounted for, under the same rules, regulations, restrictions, and penalties, as is by law provided in like cases: *Provided*, This tax shall be laid *Provido*, and collected for the year of one thousand seven hundred and ninety seven, and no longer.

Sec 2. *Be it enacted*, That nothing herein contained shall be so construed as to extend to the counties of Davidson, Montgomery, Sumner, Robertson, Washington, and Hawkins. *Counties excepted.*

Passed the 5th day of August, 1796.

JAMES WINCHESTER,
Speaker of the Senate.

JAMES STUART, S. H. R.

C H A P. III.

An ACT directing the mode of electing the several officers, whose appointments are by the constitution vested in the county courts of pleas and quarter-sessions.

*Appoint-
ments how
made.*

Sec. 1.

BE it enacted by the General Assembly of the State of Tennessee, That where any vacancy may happen by death, resignation, or otherwise, the right of which appointment is by the constitution vested in the county courts, then and in that case, such court shall hold an open and free election on the second day of the term in which such appointment is to be made, admitting all citizens to the privilege of offering as candidates, except such as are prohibited by the constitution, or some of the existing laws of this State.

*Ch'man's
duty.*

Sec. 2. *Be it enacted* That it shall be the duty of the chairman of any of the aforesaid courts or any other justice, acting in his place, to cause public notice, in writing, to be set upon the door of the courthouse, upon the first day of the term in which such election is to be held, signifying and setting forth, under his hand, which of the offices may be vacant, and the time prescribed by this act for filling the same; any law, usage, or custom to the contrary notwithstanding.

Passed the 6th day of August, 1796

JAMES WINCHESTER,
Speaker of the Senate.

JAMES STUART, S. H. R.

C H A P. IV.

*An ACT providing for the election of
Electors to elect a President and Vice-
President of the United States.*

Sec. 1. **B**E it enacted by the General Assembly of the State of Tenn. *That* *Electors*
three electors shall be elected, one *in districts*
appointed.

in the district of Washington, one in the district of Hamilton, and one in the district of Mero, as directed by this act, to elect a President and Vice President of the United States, and that the said electors may be elected with as little trouble to the citizens as possible.

Sec. 2. *Be it enacted.* That John Carter, John Adams, and John McCollister, of the county of Washington—John Scott, Richard Gammon, and James Gains, of Sullivan county—Daniel Kenneday, Joseph Hardin, and James Stinton, of the county of Greene, & Richard Mitchel, John Young, and Barlet Marshall, of the county of Hawkins, are appointed electors to elect an elector for that purpose, for the district of Washington.—John Adair, Charles McClung, and Samuel Flannagan, of the county of Knox—Andrew Henderson, Josiah Jackson, and Christopher Hains, of the county of Jefferson—Samuel McGahey, Joshua Gift Alexander Montgomery, of the county of Sevier, & Robert Boid, William Lowry, and David Colwell, of Wells's Station, of the county of Blount, are appointed electors to elect an elector, for the purpose aforesaid, for the district of Hamilton.—Thomas Molloy, William Donelson, and George Ridley, of the county of Davidson—Kasper Manscoe, Edward Douglass, and John Hogan, of the county of Sumner—George Neville, sen. Josiah Fort, and Thomas Johnson, of the late county of Tennessee, are appointed electors to elect an elector in the district of Mero, for the purpose aforesaid.

Sec 3. *Be it enacted.* That where any new county has been erected since the making of the constitution *Provision for new counties.*

tution of this state, such new county or counties, shall, for the purpose aforesaid, be considered as belonging to the county or counties, from which it was taken: And where a county has been divided into two new counties, such two new counties shall be considered as one until such county or counties be entitled to separate representation.

Qualification of electors. Sec. 4. *Be it enacted,* That no person shall be elected an elector, for the purpose aforesaid, who has not been three years a resident in the district for which he is elected, immediately preceding the day of his election: *Provided,* This shall not extend to any person who was a resident of the district at the time of making the constitution.

Electors where to meet. Sec. 5. *Be it enacted,* That the electors in this act, before-named, shall convene, those for the district of Washington, at Jonesborough; those for the district of Hamilton, at Knoxville; and those for the district of Mero, at Nashville, on the second Monday of November next: And being so convened, they, or so many of them as shall attend on said day, proceed to elect, by ballot, an elector, qualified as by this act directed for the purpose aforesaid: *Provided nevertheless,* That no person shall be elected an elector, who is not qualified as by law required, to be a member of the general assembly: And if two or more persons shall have the same number of votes, it shall be decided in the same manner as grand jurors are drawn for in the superior courts.

To give a certificate Sec. 6. *Be it enacted,* That the electors before-named for each district, respectively, shall give to the person elected an elector, as aforesaid, a certificate under their hands and seals, of his election aforesaid, which certificate shall be tested by a justice of the peace summoned for that purpose.

To meet at Knoxville. Sec. 7. *Be it enacted,* That the three electors, elected as by this act directed, shall convene at Knoxville, on the first Wednesday of December next, and proceed to elect a President and Vice President of the United States—pursuant to act of Congress, in such case made and provided.

Compensation to electors. Sec. 8. *Be it enacted,* That each of the electors elected for the purpose aforesaid, shall be allowed the

sum of one dollar and seventy five cents, for every twenty-five miles he shall travel to and from the said place of election, and the same for each day he shall necessarily attend in performing the duties enjoined by this act, to be ascertained on oath before a justice of the peace, who shall give a certificate thereof, under his hand and seal, which being countersigned by the governor; shall be a sufficient warrant for the treasurer to pay the sum therein mentioned to be due; *Provided nevertheless*, That nothing herein contained shall be so construed as to make any compensation to the electors herein named, for electing the electors of President and Vice President of the United States. *Provide.*

Sec. 9. *Be it enacted*, That the persons by this act appointed to elect electors to elect a President and Vice President of the United States, before they enter on the duties of their office, shall take an oath to support the constitution of the United States, and also the constitution of this state, and the electors to elect a President and Vice President shall, in like manner, take the same oaths. *Electors to take oaths*

Sec. 10. *Be it enacted*, That an act, entitled, "An act providing for the appointment of electors to elect a President and Vice President of the United States, passed at an assembly begun and held at Knoxville on the twenty-eighth day of March; one thousand seven hundred and ninety-six, be and the same is hereby repealed and declared void. *Act repealed.*

Passed, 8th day of August, 1796.

JAMES WINCHESTER,
Speaker of the Senate.

JAMES STUART S. H. R.

C H A P. V.

An ACT making compensation to the members, clerks, and door-keepers, of the general assembly, and for other purposes.

Pay to members.

BE it enacted by the general assembly of the State of Tennessee, That each of the members of this general assembly shall be allowed the sum of one dollar and seventy five cents for each day he shall have attended the general assembly, and the same for every twenty five miles he shall travel going to and returning from the same.

To clerks

Sec. 2. Be it enacted, That each first clerk of the assembly shall be allowed the sum of two dollars and 50 cents per day, for their services; and each assistant clerk shall be allowed the sum of one dollar and seventy five cents, per day; and that a further allowance be made for contingent expences, namely to Ludwell Grimes, four dollars, to John Hillsman, four dollars, to George Roulstone, for stationary, eight dollars, and to Nathaniel B. Buckingham, for engrossing eight dollars.

To door-keepers.

Sec. 3. Be it enacted, That John Rhea be allowed the sum of one dollar and seventy five cents per day, and the sum of four dollars for contingencies; and that Thomas Bounds be allowed one dollar and seventy five cents per day, for their services as door keepers to this general assembly.

Act continued.

Sec. 4. Be it enacted, That an act, entitled, "An act for the relief of such persons as have suffered, or may suffer by their grants, deeds, and mesne conveyances, not being proved and registered within the time heretofore appointed by law, passed at an assembly begun and held at Knoxville, on the twenty fifth day of August one thousand seven hundred and ninety-four, is hereby continued in full force until the end of the next stated session of assembly.

Gov. to draw money.

Sec. 5. Be it enacted, That it shall be lawful for the governor at the time being, to draw from either of the treasurers of this state such sums of monies as

may be sufficient to defray the necessary expense of hiring expresses and other necessary contingent expenses of the government: *Provided*, the same does not exceed two hundred dollars, which he is hereby authorized to draw in manner and form directed by an act passed at a general assembly begun and held at Knoxville, on the twenty eighth day of March one thousand seven hundred and ninety six, entitled, "An act to provide for the payment of the governor, and directing the place of his residence." *Provid.*

Sec. 6. *Be it enacted*, That the governor shall not be liable for such sums of money as he may draw from time to time by virtue of this act, unless it should appear to the next stated general assembly, that such appropriations were unnecessary, and in no measure tended to promote the general interest of this State. *Gov. not liable.*

Passed the 8th day of August, 1796.

JAMES WINCHESTER,

Speaker of the Senate.

JAMES STUART, S. H. R.

A Copy, Test.

Wm. MACLIN, Secretary.